

Effective 5/13/2014

Part 16

Financial Disclosures

20A-11-1601 Title.

This part is known as "Financial Disclosures."

Amended by Chapter 18, 2014 General Session

20A-11-1602 Definitions.

As used in this part:

- (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- (2) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.
- (3) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- (4) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- (5)
 - (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:
 - (i) the entity or a portion of the entity; or
 - (ii) an employee, agent, or independent contractor of the entity.
 - (b) "Owner or officer" includes:
 - (i) a member of a board of directors or other governing body of an entity; or
 - (ii) a partner in any type of partnership.
- (6) "Preceding year" means the year immediately preceding the day on which the regulated officeholder files a financial disclosure form.
- (7) "Regulated officeholder" means an individual who is required to file a financial disclosure form under the provisions of this part.
- (8) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

Amended by Chapter 18, 2014 General Session

20A-11-1603 Financial disclosure form -- Required when filing for candidacy -- Public availability.

- (1) Candidates seeking the following offices shall file a financial disclosure with the filing officer at the time of filing a declaration of candidacy:
 - (a) state constitutional officer;
 - (b) state legislator; or
 - (c) State Board of Education member.
- (2) A filing officer may not accept a declaration of candidacy for an office listed in Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure required by this section.
- (3) The financial disclosure form shall contain the same requirements and shall be in the same format as the financial disclosure form described in Section 20A-11-1604.
- (4) The financial disclosure form shall:
 - (a) be made available for public inspection at the filing officer's place of business;
 - (b) if the filing officer is an individual other than the lieutenant governor, be provided to the lieutenant governor within five business days of the date of filing and be made publicly available at the Office of the Lieutenant Governor; and
 - (c) be made publicly available on the Statewide Electronic Voter Information Website administered by the lieutenant governor.

Amended by Chapter 18, 2014 General Session

20A-11-1604 Failure to disclose conflict of interest -- Failure to comply with reporting requirements.

- (1)
 - (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated on the financial disclosure form described in this section, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.
 - (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated on the financial disclosure form described in this section, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.
 - (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated on the financial disclosure form described in this section, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.
- (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
 - (a) on the official record of the action taken, for a state constitutional officer;
 - (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
 - (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
- (3)
 - (a) A state constitutional officer shall file a financial disclosure form:
 - (i) on the tenth day of January of each year, or the following business day if the due date falls on a weekend or holiday; and

- (ii) each time the state constitutional officer changes employment.
- (b) A legislator shall file a financial disclosure form:
 - (i) on the first day of each general session of the Legislature; and
 - (ii) each time the legislator changes employment.
- (c) A member of the State Board of Education shall file a financial disclosure form:
 - (i) on the tenth day of January of each year, or the following business day if the due date falls on a weekend or holiday; and
 - (ii) each time the member changes employment.
- (4) The financial disclosure form described in Subsection (3) shall include:
 - (a) the regulated officeholder's name;
 - (b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;
 - (c) for each employer described in Subsection (4)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
 - (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
 - (i) the name of the entity;
 - (ii) a brief description of the type of business or activity conducted by the entity; and
 - (iii) the regulated officeholder's position in the entity;
 - (e) in accordance with Subsection (5)(b), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:
 - (i) the name of the individual or entity; and
 - (ii) a brief description of the type of business or activity conducted by the individual or entity;
 - (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:
 - (i) the name of the entity; and
 - (ii) a brief description of the type of business or activity conducted by the entity;
 - (g) for each entity not listed in Subsections (4)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, on the board of directors or in any other type of paid leadership capacity:
 - (i) the name of the entity or organization;
 - (ii) a brief description of the type of business or activity conducted by the entity; and
 - (iii) the type of advisory position held by the regulated officeholder;
 - (h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;
 - (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;
 - (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (4)(b);
 - (k) a brief description of the employment and occupation of each adult who:
 - (i) resides in the regulated officeholder's household; and
 - (ii) is not related to the regulated officeholder by blood or marriage;
 - (l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;

- (m) the date the form was completed;
 - (n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
 - (o) the signature of the regulated officeholder.
- (5)
- (a) The regulated officeholder shall file the financial disclosure form with:
 - (i) the secretary of the Senate, if the regulated officeholder is a member of the Senate;
 - (ii) the chief clerk of the House of Representatives, if the regulated officeholder is a member of the House of Representatives; or
 - (iii) the lieutenant governor, if the regulated officeholder is a regulated officeholder other than a regulated officeholder described in Subsection (5)(a)(i) or (ii).
 - (b) In making the disclosure described in Subsection (4)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (4)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (4)(e) in relation to the regulated officeholder's individual customers or clients.
- (6) The lieutenant governor, the secretary of the Senate, and the chief clerk of the House of Representatives shall ensure that blank financial disclosure forms are available on the Internet and at their offices.
- (7) An individual described in Subsection (6) who receives a financial disclosure form or an amendment to a financial disclosure form under this section shall make each version of the form, and each amendment to the form, available to the public for the period of time described in Subsection (8), in the following manner:
- (a) on the Internet; and
 - (b) at the office where the form or the amendment to the form was filed.
- (8) The period of time that an individual described in Subsection (7) shall make each version of a financial disclosure form and each amendment to a financial disclosure form available to the public is:
- (a) two years after the day on which the individual described in Subsection (7) receives the form, for a regulated officeholder in an office that has a normal term of two years or less; or
 - (b) four years after the day on which the individual described in Subsection (7) receives the form, for a regulated officeholder in an office that has a normal term of more than two years.
- (9) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- (10) A regulated officeholder may amend a financial disclosure form described in this part at any time.
- (11) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- (12)
- (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.
 - (b) In addition to the criminal penalty described in Subsection (12)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

Renumbered and Amended by Chapter 18, 2014 General Session

20A-11-1605 Failure to file -- Penalties.

- (1) Within 30 days after the day on which a regulated officeholder is required to file a financial disclosure form under Subsection 20A-11-1604(3)(a)(i), (b)(i), or (c)(i), the lieutenant governor shall review each filed financial disclosure form to ensure that:
 - (a) each regulated officeholder who is required to file a financial disclosure form has filed one; and
 - (b) each financial disclosure form contains the information required under Section 20A-11-1604.
- (2) The lieutenant governor shall take the action described in Subsection (3) if:
 - (a) a regulated officeholder has failed to timely file a financial disclosure form;
 - (b) a filed financial disclosure form does not comply with the requirements of Section 20A-11-1604; or
 - (c) the lieutenant governor receives a written complaint alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor determines that a violation occurred.
- (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, within five days after the day on which the lieutenant governor determines that a violation occurred, notify the regulated officeholder of the violation and direct the regulated officeholder to file an amended report correcting the problem.
- (4)
 - (a) It is unlawful for a regulated officeholder to fail to file or amend a financial disclosure form within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).
 - (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
 - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
 - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- (5) The lieutenant governor shall deposit a fine collected under this part into the General Fund as a dedicated credit to pay for the costs of administering the provisions of this part.

Enacted by Chapter 18, 2014 General Session

20A-11-1606 Link to financial reports on Legislature's website.

The Legislature's website shall include, for each legislative officeholder, a link to the financial reports maintained on the lieutenant governor's website in relation to that legislative officeholder.

Enacted by Chapter 335, 2014 General Session